HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (F) NO. 267 OF 2007.
IN
FIRST APPEAL NO. 2879 OF 2006.

The State of Maharashtra. ..Applicant/Appellant.

Versus.

Smt. Thakurbai Nama Mhatre & Ors. ..Respondents.

D. S. Sawant a/w Rajesh B. Parab & Rahul Walwekar for the respondents nos. 1 to 9.

S. N. Gawade A.G.P. for the State.

CORAM: S. B. MHASE &
SMT. V.K.TAHILRAMANI,JJ.

DATE: JANUARY 10, 2007.

P.C.

1. Heard. Learned Govt. Pleader for the State - applicant submitted that in earlier judgment the compensation at the rate of Rs.25/- per square meter has been grated by this Court, and therefore the trial Court has committed an error in granting compensation at the rate of Rs.28/- per square meter. Mr. Sawant learned counsel appearing on behalf of the respondent submitted that compensation at the rate of Rs.28/- per square meter is proper and judgment of the trial court is proper. So, the dispute is about the difference of rate of Rs.3/-. Therefore, we direct the appellant - State to deposit the total decreetal amount in trial Court within a period of 12

weeks from today. On deposit of such amount, trial Court is directed to calculate the compensation at the rate of Rs.25/- per square meter along with solatium, interest and costs and pay the same amount to the respondents. Trial Court is further directed to deposit rest of the amount in a nationalised bank, initially for a period of three years, and if the matter is not disposed of in that period, the trial Court shall go on depositing the said amount on year to year basis till the matter is finally disposed of. It is made clear that initially if some amount is paid as per the award, it shall be adjusted.

. Civil application is disposed of.

(SMT. V.K.TAHILRAMANI,J.) **(S.B.MHASE, J.)**

:sachin/2007/vkt/..